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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,631	06/25/2003	Jong-Sung Jung	1349.1229	8988
21171	7590	09/29/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			NGUYEN, ANTHONY H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,631

Applicant(s)

JUNG, JONG-SUNG

Examiner

Anthony H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Objections

Claims 5, 13, 14 and 15 are objected to because it is unclear how the predetermined distance can be in a range between 0.5 to 1 mm (claim 5) since the distance between the first paper sensor and the print head appears to be greater than the distance between the second paper sensor and the print head as shown in applicant's Fig.4. With respect to claim 13, it is unclear how the first paper sensor which is disposed between a pickup unit and a convey unit can be transversely moved. Additionally, the preambles of claims 14 and 15 appear to be inconsistent with the parent claim 9 since the first paper sensor is disposed between a pickup unit and a convey unit.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1- 4,6-9, 11- 16, 20-22, 24, 26 and 27 are rejected under 35 U.S.C. 102(b), (e) as being anticipated by Tung et al. (US 6,435,641).

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With respect to claims 1, 24 and 26, Tung et al. teaches a printer 10 having a paper edge sensing apparatus which includes a carrier 300, a print head 303 mounted to the carrier, a first paper sensor 328 mounted between the pickup unit 106 and the convey unit 308, 310 to detect a top edge and a bottom edge of a paper (Tung et al., col.5, the paragraphs 4 and 5), a paper sensor 330 mounted to the carrier at a predetermined distance from the print head and a controller 320 for controlling operation of the print head and paper print margin (Figs.4-5B, and col.5 the second paragraph). With respect to claims 9 and 27, Tung et al. teaches the steps of detecting a top edge using the paper sensor 330 and generating a print command when the top edge is detected (Fig.6A, steps 404-408) and end command when the trailing edge is detected (Fig. 6B, steps 418 and 420). With respect to claims 10 and 11, Tung et al. teaches the steps of detecting top edge and begin counting a start printing time interval via the sensor 330 and the controller 320 (Tung et al., the paragraph bridging cols. 4 and 5). With respect to claim 20, Fig.6H, step 508 of Tung et al. shows the printed sheet is discharged to an output tray 16 from the printer.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 17-19, 23 and 25 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Tung et al. (US 6,435,641).

With respect to claims 5, 17 and 18, Tung et al. teaches all that is claimed, except for the specific predetermined distance of the paper print margin to the edges of a sheet of paper or

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borderless image on the paper. However, the selection of a desired predetermined distance between the print margin and the edges of a paper involves only an obvious matter of choice based upon a selection of a printing format. It would have been obvious to one of ordinary skill in the art to select a specific range of predetermined distance between the paper print margin and the edges of a sheet of paper in Tung et al. for uniform of printing on a print medium. With respect to claims 19, the step of tracking a position of a paper sensor while not specifically stated or shown in Tung et al. is necessary in a controller to providing an operative device. Thus, the step as broadly recited involves no apparent unobviousness.

Response to Arguments

Applicants' arguments filed on June 29, 2004 have been fully considered but they are not persuasive of any error in the above rejection.

Applicant argues that Tung is not a valid reference under 35 U.S.C. 102(b) since applicant claims a foreign priority date of August 6, 2002 while Tung was issued August 20, 2002.

However, Tung is a valid reference under 35 U.S.C. 102(b) since Tung was issued August 20, 2002 while applicant's filing date in the United State is August 6, 2002 as required by 35 U.S.C. 102(b) which states that "A person shall be entitled to a patent unless... another invention was patented ... more than one year prior to the date of application for patent in the United State". Also, Tung is a valid reference under 35 U.S.C. 102(e) as indicated above.

Applicant argues that Tung does not teach the use optical sensor and that there is no comparison between the media sensor and the optical sensor 330.

However, as explained above, Tung et al. teaches the use of optical sensor 330 for paper edge sensing mounted to a carrier and the second sensor 328 which is used mechanical-optical

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type sensor which includes an optical emitter/detector 334 (Tung et al., col.5, the third paragraph). Additionally, Tung et al. teaches the controller 320 for controlling movement of the printing medium or the position of the leading edge or the trailing edge of the papers 12 via the sensor or “polls sensor controller 336 to determine the state of the sensors” (Tung et al., col.5 lines 28-65).

Therefore, it is believed that the rejections are proper and the prior art applied meets the structure and the steps as recited in claims 1- 4, 6-9,11- 16, 20-22,24,26 and 27 and renders obvious the structure recited in claims 5, 17-19, 23 and 25.

Conclusion

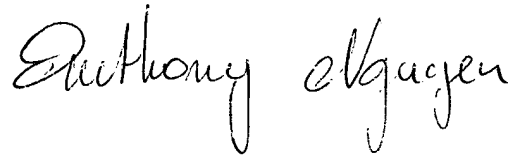
THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168. The fax phone number for this Group is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink that reads "Anthony Nguyen". The signature is written in a cursive, flowing style.

Anthony Nguyen

9/27/04

Patent Examiner

Technology Center 2800